IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 17666 of 2006(C)

PETITIONER:

M.PREETHAKUMAR, S/O. KRISHNAN,
THEKKEKUTTI NILAM, POST KOLATHARA,
KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

----

1. **THE EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE
   FUND BOARD, KOZHIKODE.

2. **DISTRICT COLLECTOR,**
   KOZHIKODE.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
BY GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 17666 OF 2006-C

JUDGMENT

The petitioner has approached this Court, praying for a direction to the 1st respondent to serve a copy of the final determination order passed, based on Ext.P1 provisional determination order, assessing the contribution payable by him towards the Motor Transport Workers' Welfare Fund in relation to three workmen attached to the stage carriage bearing No.KL-11/E 2232, for the year 2004-05. The petitioner submits, he has not been served with a copy of the final determination order, so far. But, revenue recovery steps are being taken to realise the amount.

2. The respondents have filed a counter affidavit and along with that they have produced materials to show that the final determination order was actually sent to the petitioner and the same has been returned by the postal department with an endorsement "refused". It is also submitted that no revenue recovery steps have been initiated to recover the amount due for the above said year. The petitioner has filed a reply affidavit, denying that he refused to receive copy of the final determination order.

3. In view of the endorsement made by the postman on the cover that

the petitioner refused to accept the same, it must be presumed that the order has been served on him. I find no ground to believe the version of the petitioner that he has not refused to receive the postal cover containing the order. The copy of the final determination order has been produced by the 1st respondent along with the statement filed by him on 6.10.2006. Therefore, the Writ Petition has become infructuous. Accordingly, it is closed.

8th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.